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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/640,318	08/16/2000	SCOTT ARNOLD HANSON	71013	2955

7590 07/08/2003

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EXAMINER

MCDOWELL, SUZANNE E

ART UNIT	PAPER NUMBER
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1732

DATE MAILED: 07/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/640,318

Applicant(s)

HANSON ET AL.

Examiner

Suzanne E. McDowell

Art Unit

1732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 32 is/are allowed.
- 6) ☒ Claim(s) 1-10, 12-27 and 29-31 is/are rejected.
- 7) ☒ Claim(s) 11 and 28 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claim 17 is objected to because of the following informalities: it is believed that the "method of claim 5" should be "the method of claim 1". Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-10 and 17-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Lehmann et al. (US Patent 4,477,521). Lehmann et al discloses a method of measuring the thickness and nonuniformity of a coextruded preform by adding to a resin, which may be PMMA or other thermoplastic (column 3, lines 3-21), a fluorescent dyestuff (column 2, lines 28-45) which can be viewed by ultraviolet radiation, wherein the preform may be more than two layers, more than one layer of which may contain the dyestuff (column 1, lines 21-68), may be a film (column 2, line 55), and is further processed after irradiation by cutting or rolling up to form the finished product (column 3, lines 33-38). Lehmann et al thereby discloses all of the limitations of claims 1-10 and 17-27.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Art Unit: 1732

5. Claims 12-16 and 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lehmann et al (US Patent 4,477,521) in view of Thomas (US Patent 4,919,855). Lehmann et al discloses a method of measuring the thickness and nonuniformity of a coextruded preform by adding to a resin, which may be PMMA or other thermoplastic (column 3, lines 3-21), a fluorescent dyestuff (column 2, lines 28-45) which can be viewed by ultraviolet radiation, wherein the preform may be more than two layers, more than one layer of which may contain the dyestuff (column 1, lines 21-68), may be a film (column 2, line 55), and is further processed after irradiation by cutting or rolling up to form the finished product (column 3, lines 33-38). Regarding claims 12, 13, 29, and 30, Lehmann et al. does not teach that the finished product is a container. Regarding claims 14-16, Lehmann et al does not teach that a polyamide may be utilized. Thomas teaches a process for producing a multilayered blow molded container which may contain polyamide (column 2, lines 11-14), wherein a fluorescing, luminescing or phosphorescing substance (column 5, lines 1-5) is added in order to visualize the inner layer upon suitable radiation (column 5, lines 21-25). It would have been obvious to a person of ordinary skill in the art at the time of the invention to use the method taught by Lehmann et al. to form the polyamide-containing container taught by Thomas, in order to measure the thickness and uniformity of the layer containing dyestuff.

Allowable Subject Matter

6. Claim 32 is allowed.
7. Claims 11 and 28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Suzanne E. McDowell whose telephone number is (703) 305-4018. The examiner can normally be reached on M-F 6:30-4.

Art Unit: 1732

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (703) 308-3853. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0651.

SEM
June 30, 2003



SUZANNE E. MCDOWELL
PRIMARY EXAMINER